

FRED B. STILTNER
JACOEULINE L. STILTNER

v.

GREG B. EMMONS
HONORABLE GARY B. GILMAN

NO. 13-3095

FILED

JUN 10 2013

MICHAEL E. KUNZ, Clerk
By _____ **Dep. Clerk**

1. Plaintiff Jacqueline L. Stiltner is DISMISSED without prejudice as a party to this action because she has failed to either pay the filing fee and administrative fee, or file a motion to proceed in forma pauperis.

2. Plaintiff Fred B. Stiltner's motion to proceed in forma pauperis is GRANTED.

3. The complaint is DISMISSED for the reasons discussed in the Court's Memorandum. The dismissal is with prejudice as to Fred Stiltner's claims and without prejudice as to Jacqueline Stiltner's claims.

4. The Clerk of Court shall CLOSE this case.

BY THE COURT:

THOMAS N. O'NEILL, JR., J.